

Licensing the Coromandel County Council to use and occupy a Part of the Foreshore at Whangapoua for a Wharf-site.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this twenty-seventh day of January, 1913.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act, 1908 (hereinafter called "the said Act"), the Coromandel County Council (hereinafter called "the Council") has applied to the Governor in Council for a license under the said Act to occupy a part of the foreshore and land below low-water mark at Whangapoua, Coromandel County, in order to erect and maintain a wharf thereon; and, in accordance with the one-hundred-and-fiftieth section of the said Act, has deposited a plan in the office of the Marine Department, at Wellington (marked M.D. 3890), showing the area of foreshore and land below low-water mark intended to be occupied and the manner in which it is proposed to erect the said wharf: And whereas it has been made to appear to the Governor in Council that the proposed work will not be or tend to the injury of navigation, and the said plan has, prior to the making of this Order in Council, been approved by the Governor in Council: And whereas it is expedient that a license should be granted and issued to the Council under the said Act for the purpose last aforesaid, on the terms and conditions set forth in the Schedule hereto:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the power and authority vested in him by the said Act, and of all other powers and authorities enabling him in that behalf, and by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the object for which the said license is required by the Council as aforesaid; and, in further pursuance and exercise of the said power and authority, and with the like advice and consent as aforesaid, doth hereby license and permit the Council to use and occupy that part of the foreshore and land below low-water mark on which the said wharf is to be erected, as shown on the plan M.D. 3890 so deposited as aforesaid, for the purpose of erecting and maintaining the said wharf; such license to be held and enjoyed by the Council upon and subject to the terms and conditions set forth in the Schedule hereto.

SCHEDULE.

1. In these conditions the term "Minister" means the Minister of Marine as defined by the Shipping and Seamen Act, 1908, and includes any officer, person, or authority acting by or under the direction of such Minister.
2. The concessions and privileges conferred by this Order in Council shall extend and apply only to the part of the foreshore and land below low-water mark adjacent thereto, necessary for the erection to the said wharf, as shown on the plan marked M.D. 3890.
3. All persons shall, at all reasonable times, upon payment of the proper dues, have free and full liberty to use the said wharf, and all rights of ingress and egress thereon and therefrom.
4. His Majesty or the Governor, and all officers in the Government service acting in the execution of their duty, shall at all times have free ingress, passage, and egress into, through, and out of the said wharf without payment.
5. The Council shall maintain the above-mentioned wharf in good order and repair; and shall at all times exhibit therefrom and maintain at its own cost suitable and necessary lights for the guidance of vessels; provided that no light shall be exhibited until after it has been approved of by the Minister.
6. Any person authorized by the Minister may, at all reasonable times, enter upon the said wharf and view the state of repair thereof; and upon such Minister leaving at or posting to the last known address of the Council in New Zealand a notice in writing of any defect or want of repair in such wharf, requiring it within a reasonable time, to be therein prescribed, to repair the same, it shall with all convenient speed cause such defect to be removed or such repairs to be made.
7. Nothing herein contained shall authorize the Council to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or any regulation of the Minister of Customs, or with any provisions of the Harbours Act, 1908, or its amendments, or any regu-

lations made thereunder, and that are now or may hereafter be in force.

8. The ballast of all vessels loading at the said wharf shall be taken away by the Council and deposited above high-water mark, or at such place as may be approved of by the Minister, or by any person appointed by the Minister for that purpose.

9. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the date thereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the Council shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

10. The said rights, powers, and privileges may be at any time resumed by the Governor, without payment of any compensation whatever, on giving to the Council three calendar months' previous notice in writing. Any such notice shall be sufficient if given by the Minister, and delivered at or posted to the last known address of the Council in New Zealand.

11. The Council shall be liable for any injury which the said wharf may cause any vessel or boat to sustain through any default or neglect on its part.

12. In case the Council shall—

(1.) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them; or

(2.) Cease to use or occupy the said wharf for a period of thirty days,—

then and in either of the said cases this Order in Council, and every right, power, or privilege, may be revoked and determined by the Governor in Council without any notice to the Council or other proceeding whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the Council, and to all persons concerned or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

13. The erection of the said wharf shall be sufficient evidence of the acceptance by the Council of the terms and conditions of this Order in Council.

J. F. ANDREWS,
Clerk of the Executive Council.

Amending the Description of a Reserve in the Wellington Land District.

LIVERPOOL, Governor.

WHEREAS by the three-hundred-and-twenty-fifth section of the Land Act, 1908, it is enacted that where there has been any error of description made in any notification of any intended reserve, or where there appears a great discrepancy in the area of any intended reserve after the same shall have been surveyed, the Governor may cancel any notification that may have been made in respect of such reserve, and issue fresh notification in respect thereof, with amended particulars and description:

And whereas an error was made in the description of Section 5, Block X, Karioi Survey District, Wellington Land District, in the Warrants of the sixth day of December, one thousand eight hundred and ninety-seven, and the fourth day of February, one thousand eight hundred and ninety-eight, and published in the *New Zealand Gazette* No. 101, of the ninth day of December, one thousand eight hundred and ninety-seven, and No. 9, of the tenth day of February, one thousand eight hundred and ninety-eight respectively, reserving the land for a Native-school site, the same having been described as Section 3, Block X, Karioi Survey District; and it is expedient to cancel the said Warrants in so far as they relate to Section 3, Block X, Karioi Survey District, Wellington Land District aforesaid:

Now, therefore, I, Arthur William de Brito Savile, Earl of Liverpool, the Governor of the Dominion of New Zealand, do hereby revoke the Warrants of the sixth day of December, one thousand eight hundred and ninety-seven, and the fourth day of February, one thousand eight hundred and ninety-eight, in so far as they relate to Section 3, Block X, Karioi Survey District, and do declare that the land described in the Schedule hereto shall be the land set apart for a Native-school site intended by the said Warrants.

SCHEDULE.

ALL that area in the Wellington Land District, containing by admeasurement 10 acres, more or less, being Section 5, Block X, Karioi Survey District. Bounded towards the north-west by the Rangiwaea 4r No. 9 Block, 1671.2 links;